

Remarks

Claims 1-29 are pending. Claims 1 and 23 are amended to more particularly point out and distinctly claim Applicant's invention and to correct typographical errors.

The Examiner rejected Claims 1-29 under 35 U.S.C. § 101, stating that "the claims have no connection to the technological arts." As amended, Claims 1-29 each recite a method implemented in a data processing system. Thus, Applicant believes that the Examiner's rejection is overcome.

The Examiner rejected Claims 1-5, 17-20, and 22-29 as unpatentable under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,049,782 ("Gottesman") in view of Petroutsos, Mastering Visual Basic 5 ("Petroutsos"). With respect to claim 1, the Examiner states in the Office Action of September 30, 2002:

As to **Claim 1** Gottesman discloses directly or inherently (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, and col 8, lines 1-16) all of the steps in amended claim 1, both as an inventive concept and as computer program functions to be performed, either implicitly or explicitly. He teaches the creation and use of price tables and tier/pricing (product) rules for both products and sub-products linked to financial transactions, and rules linked to price tables, identifying the correct rule for the transaction, and pricing the transaction according to the tier/pricing (product) rules. All of the claimed steps are also inherent in what Gottesman teaches. But he does not specifically teach the detailed programmatic steps for these software logic functions.

Petroutsos teaches (see his book in general, but particularly Chapter 3 at least the sections "Arrays" through "Arrays of Arrays", and "If... Then... End", and Chapter 11 at least the sections "Databases and Database Management Systems" through "The Data Control's Properties"), by example of one of several computer programming languages then

LAW OFFICES OF
ACPHERSON KWOK CHEN &
HEID LLP

2001 Gateway Place
Suite 195
SAN JOSE, CA 95110

TEL (408) 392-9250
FAX (408) 392-9262

available, how relatively logical, simple, and obvious it would have been for one skilled in the art at the time of the invention to create the programming steps necessary to translate an inventive concept, like Gottesman's described computer functions to be performed, into a working computer software program. For such skilled programmers it would have been obvious in a financial transaction system containing price tables and product (component) rules for multiple products (components) and multiple prices to develop the computer logic and the means for the entering of specific pricing and other calculations required in the tables and to employ specific names, identifiers, and references for the pricing and product (component) databases (tables) and their data fields, together with the programmatic means to both create all of the logic and tables and to link and associate them all together for the purpose and function intended to be performed, including display only information. It is inherent in such programs to always have both mandatory and optional attributes in their tables and rules, and to assign status and a name to each of them. For example a table or field identifier is mandatory in order for the program to function properly, yet the number and type of fields and the individual rule descriptions and logic are discretionary. It would also be obvious to allow for the temporary disuse one or more of those rules as an optional attribute, for a variety of reasons: possible temporary discontinuance of the product as one example, or a change in the attributes of the product itself as another reason. In view of Gottesmans' teaching, it would have been obvious to one skilled in the art at the time of the invention to integrate Gottesmans' invention with the teachings of Petroutsos because the combination of the two would have provided a completed, improved, and operational financial transaction system that could have been used by financial service companies. Likewise, in light of Petroutsos' teaching, it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Petroutsos with those of Gottesman for the same reason.

Applicant respectfully submits that the Examiner's rejection is not supported by the disclosures of Gottesman and Petroutsos. Rather than comparing the specific teachings of Gottesman's system to what is claimed in Applicant's Claims 1-29, the Examiner glosses over all the relevant details and instead relies his rejection on generalizations of "inherent" and "implicit" disclosures of Gottesman and Petroutsos, as quoted above. The Examiner simply

ignores the fact that Claim 1 recites a specific method that is neither disclosed nor suggested by Gottesman or Petroustos:

1. In a data processing system, a method for pricing financial transactions, said method comprising:

creating, in a database system of the data processing system, a plurality of price tables;

creating, in the database system, a plurality of product rules each applicable to one or more of said financial transactions, wherein each of said product rules is linked to one of said price tables; and

for each one of said financial transactions:

identifying an applicable one of said product rules for said transaction; and

pricing said transaction according to the price table linked to said identified applicable product rule.

The specific data structures of product rules and price tables, and their relationships, are clearly recited in Claim 1 above. By correctly selecting an applicable product rule and thereby accessing the correct pricing table, pricing complexity is greatly simplified. The Examiner simply ignores the important qualitative difference that, rather than having these distinct but linked product rules and price tables, Gottesman discloses, at cols. 7-10, a complicated pricing method involving a "Pricing Engine 310," "Relationship Pricing/Balance Database 250" and "Rate Engine 345" (Gottesman, at col. 10, lines 34-42). The Pricing Engine, which Gottesman discussed in cols. 7 and 8 and upon which the Examiner relies for his rejection, is only one of several portions of Gottesman's pricing system. Unlike Applicant's use of product rules that link pricing tables, Gottesman discloses a system that uses a new language to express the business rules for Relationship pricing (Col. 8, lines 17-

33). In fact, the "Relationship Pricing Logic Table Form" shown in Fig. 11, which is used to code the pricing rules using Gottesman's new language, amply illustrates the complexity of Gottesman's system. In fact, Gottesman does not perform Claim 1's recited steps of:

identifying an applicable one of said product rules for said transaction; and

pricing said transaction according to the price table linked to said identified applicable product rule.

Rather, according to the Examiner's understanding, Gottesman's method involves calculating a standard price and then modifying the price according to the financial institution's relationship with the customer:

Gottesman is not limited to a single account, but to all financial transactions of many accounts, some of which may not be termed relationship type accounts or transactions, as the relationship premiums/discounts are applied only after the standard pricing has already been calculated for each individual type of transaction, according to his pricing engine.

(Paragraph 7 of the Examiner's Office Action of September 30, 2002; emphasis in the original)

Therefore, in the context of the entire reference, and those portions cited by the Examiner, it is clear that Gottesman teaches a qualitatively different system than what is set forth in Claim 1.

As to Petroutsos, Petroutsos is simply a reference manual for a computer programming language, and provides no disclosure, suggestion or motivation that would modify Gottesman's system in the direction of Applicant's Claim 1. The Examiner's allegation of "how relatively logical, simple, and obvious it would have been for one skilled in the art at the time of the invention to create the programming steps necessary to translate an inventive

concept, like Gottesman's described computer functions to be performed, into a working computer software program" is baseless, and is in fact contradicted by Petroutsos's express disclaimer:

Overview

If there is one topic that's too big to fit in a single chapter, it's database programming. This chapter, therefore, is an introduction to the basic concepts of database programming with Visual Basic. It's primarily for those who want to set up a small database and for those with familiar with other database management systems, such as dBase. If you are familiar with database programming in other environments, the information in this chapter will help you get up to speed quickly in database programming with Visual Basic.

(Petroutsos's chapter 11; emphasis added)

Thus, as made clear by Petroutsos above, contrary to the Examiner's assertions, Petroutsos unequivocally disclaims any teaching relevant to implementing a database system. The combination of the teachings of Gottesman and Petroutsos, as suggested by the Examiner, results merely in an implementation of Gottesman's system in the Visual Basic programming language. Such a combination has no more relevance to Claim 1 than Gottesman standing by itself. Accordingly, Applicant submits that Claim 1 and its dependent Claims 2-5, 17-20 and 22 are each allowable over Gottesman and Petroutsos, individually and in combination, at least for the reasons set forth above. Similarly, Claims 23-29 are each allowable over Gottesman and Petroutsos by reciting:

23. A data processing system for pricing a financial transaction, said data processing system comprising:

means for creating a product rule in the data processing system applicable to said financial transaction, said product rule comprises a plurality of

mandatory attributes and a plurality of optional attributes;

means for creating a price table in the data processing system;

means for creating a link between said product rule and said price table; and

means for calculating a price for said financial transaction based by identifying said product rule and accessing said price table via said link.

(emphasis added)

Thus, Claims 1-5, 17-20 and 22-29 are each allowable over Gottesman and Petroustos. In view of the above, Applicant respectfully challenges the Examiner's allegations of implicit and inherent teachings of Gottesman that are applicable to Applicant's Claims 1-29. Reconsideration and allowance of Claims 1-29 are therefore requested.

The Examiner rejected Claims 6-16 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Gottesman and Petroustos, further in view of U.S. Patent 5,878,400 ("Carter"). With respect to Claim 6, in addition to the Examiner's allegations relative to Gottesman and Petroustos already discussed with Claim 1, the Examiner states:

Carter teaches (see at least Figure 7) approximately 25 different types of commonly used pricing types, which are only a partial listing of the many common pricing types, some of which have been used for the past several millenia. For such skilled programmers it would have been obvious in a financial transaction system containing price tables and product (component) rules for multiple products (components) and multiple prices and pricing types to develop the computer logic for the many commonly known and used different types of pricing methods required for the many products involved and the means for the pricing and other calculations required and to employ specific names, identifiers, and references for the pricing and product (component) databases (tables) and their

data fields, together with the programatic means to both create all of the logic and tables and to link them all together for the purpose and function intended to be performed, including specifically flat fee pricing. OFFICIAL NOTICE is taken that one of the oldest and best known pricing types is the flat fee type, which has long been commonly used for services of all types, such as Doctors, gardeners, hairdressers, and bank services, etc., and that it would have been obvious to modify the teachings of Carter with this OFFICIAL NOTICE.

Because Claims 6-16 each depend from Claim 1, Claims 6-16 are each allowable over the combined teachings of Gottesman and Petroutsos, for the reasons stated above. The Examiner's further combining of Carter to the teachings of Gottesman and Petroutsos does not cure the deficiencies of the previous combination. In other words, employing known pricing methods in Gottesman's system would not yield Applicant's Claims 6-16 because Gottesman's method and the method of Applicant's Claim 1 are qualitatively different. Accordingly, Applicant respectfully submits that Claims 6-16 are each therefore allowable over Gottesman, Petroutsos and Carter, individually and in any combination. Reconsideration of Claims 6-16 is therefore requested.

For the above reasons, Applicant respectfully submits that the Examiner's rejections of all pending claims (i.e., Claims 1-29) are erroneous. Accordingly, Applicant requests reconsideration and allowance of these claims. If the Examiner has any questions regarding


LAW OFFICES OF
ACIPHERSON KWOK CHEN &
HEID LLP

2001 Gateway Place
Suite 195
SAN JOSE, CA 95110

TEL (408) 392-9250
FAX (408) 392-9262

the above, the Examiner is requested to telephone the undersigned Attorney for Applicant at 408-392-9250.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on December 17, 2002.

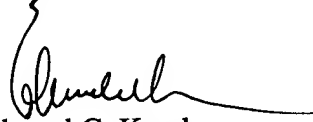


Attorney for Applicant

12/17/2002

Date of Signature

Respectfully submitted,



Edward C. Kwok
Attorney for Applicant
Reg. No. 33,938

LAW OFFICES OF
ACPERSON KWOK CHEN &
HEID LLP

2001 Gateway Place
Suite 195
SAN JOSE, CA 95110

TEL (408) 392-9250
FAX (408) 392-9262

APPENDIX

Please amend Claims 1 and 23 as follows:

1. (Twice Amended) [A] In a data processing system, a method for pricing financial transactions, said method comprising:

creating, in a database system of the data processing system, a plurality of price tables;

creating, in [a] the database system, a plurality of product rules each applicable to one or more of said financial transactions, wherein each of said product rules is linked to one of said price tables; and

for each one of said financial transactions:

identifying an applicable one of said product rules for said
[transaction] transaction; and

pricing said transaction according to the price table linked to
said identified applicable product rule.

23. (Twice Amended) A data processing system for pricing a financial transaction, said data processing system comprising:

means for creating a product rule in the data processing system applicable to said financial transaction, said product rule comprises a plurality of mandatory attributes and a plurality of optional attributes;

means for creating a price table in the data processing system;

means for creating a link between said product rule and said price table; and

means for calculating a price for said financial transaction [based] by
identifying said product rule and accessing said price table via said link.

LAW OFFICES OF
ACPPERSON KWOK CHEN &
HEID LLP

2001 Gateway Place
Suite 195
SAN JOSE, CA 95110

TEL (408) 392-9250
FAX (408) 392-9262